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Attorney for Plaintiff
BRIAN SETENCICH

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

BRIAN SETENCICH,

Plaintiff,

vs.

THE AMERICAN RED CROSS, a non-profit
 corporation, STEVE BROWN, ROBERT
 BROWNING and DOES 1 through 30,
 inclusive,

Defendants.

CASE NO.: C 07-03688 JCS

**DECLARATION OF JILL P. TELFER IN
 SUPPORT OF PLAINTIFF'S REPLY TO
 DEFENDANT AMERICAN RED CROSS'
 OPPOSITION TO THE MOTION TO
 COMPEL DEFENDANT TO FURTHER
 RESPOND TO PLAINTIFF'S REQUEST
 FOR PRODUCTION OF DOCUMENTS,
 SET ONE AND PRODUCE DOCUMENTS**

Date: July 2, 2008

Time: 1:00 p.m.

Ctrm: 3

Judge: Hon. Sandra Brown Armstrong

I, JILL P. TELFER, DO DECLARE:

1. I am an attorney licensed to practice before this Court. I represent plaintiff Brian Setencich ("Setencich") and have personal knowledge of the facts stated herein unless stated otherwise.

2. I served the American Red Cross ("ARC") with Setencich's Department of Fair Employment and Housing ("DFEH") charge by mail on March 13, 2007. I filed the civil complaint on March 8, 2007, with Defendants being served on or about June 19, 2007.

3. My purpose in propounding the subject discovery is to prove association discrimination. Since Defendant American Red Cross ("ARC") has not admitted a discriminatory animus against all disabled employees or a blanket policy denying disabled individuals' rights or

1 benefits provided to non-disabled employees, I have to prove the underlying disability discrimination
2 of Marc Jackson ("Jackson").

3 4. ARC contends that I have propounded Request No. 1 to Plaintiff's Demand for
4 Production of Documents, Set One to conduct "backdoor discovery" for Jackson, who filed two
5 Department of Fair Employment and Housing Complaints against ARC. If Jackson decides to file
6 suit, he will have access to the subject discovery and therefore there is not need for me to "backdoor"
7 discovery as accused by defense counsel. The charges for Jackson were filed on March 14, 2007 and
8 March 6, 2008, respectively. I served the first charge by mail on ARC on March 27, 2007.

9 5. Attached hereto as Exhibit 1 is a true and correct copy of Setencich's First Amended
10 Complaint filed on November 8, 2007. Attached hereto as Exhibit 2 is a true and correct copy of
11 ARC's answer filed on March 26, 2008.

12 6. Attached hereto as Exhibit 3 is a copy of an e-mail from September 9, 2005, with
13 Defendant Steve Brown admitting he would interview Brian Setencich and give him a fair shake.
14 (Page 2) (The document was authenticated by Jackson at his deposition and marked as deposition
15 Exhibit 26.)

16 7. Attached hereto as Exhibit 4 is a true and correct copy of excerpts of Jackson's
17 deposition conducted on January 30, 2008.

18 8. Attached hereto as Exhibit 5 is a true and correct copy of a Personnel Action
19 Requisition which Jackson testified he initiated to hire Setencich. Defendant Steve Brown and
20 Robert Browning both testified a Requisition must be generated and approved before an individual
21 can be hired or rehired.

22 I declare under penalty of perjury that the foregoing is true and correct and that this
23 declaration was executed under the laws of the State of California on June 12, 2008 at Sacramento,
24 California.

25
26 
27 JILL P. TELFER
28

PROOF OF SERVICE

CASE: *Brian Setencich v. The American Red Cross, et al.*; United States District Court of California, Northern District

CASE NO: **C 07-03688 SBA**

I, the undersigned, declare I am a citizen of the United States and am employed in the County of Sacramento, State of California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 331 J Street, Suite 200, Sacramento, CA 95814.

I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On the date indicated below, I served the following documents by:

to be served on the party(ies) or their (its) attorney(s) of record in this action:

☒ Via Mail: I caused each envelope (with postage affixed thereto) to be placed in the U.S. mail at Sacramento, California.

☐ Via **CERTIFIED** Mail: I caused each envelope (with postage affixed thereto) to be placed in the U.S. mail at Sacramento, California.

☐ Via Personal Service: I instructed each document to be hand-delivered via **HAND DELIVERY** to the address listed below.

☐ Via Overnight Courier: I caused each envelope to be delivered via overnight mail by **FEDERAL EXPRESS**.

☒ Via **FACSIMILE**: I instructed such to be transmitted via facsimile to the office(s) list below.

DOCUMENTS SERVED: DECLARATION OF JILL P. TELFER IN SUPPORT OF PLAINTIFF'S REPLY TO DEFENDANT AMERICAN RED CROSS' OPPOSITION TO THE MOTION TO COMPEL DEFENDANT TO FURTHER RESPOND TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS, SET ONE AND PRODUCE DOCUMENTS

ADDRESSED TO :

Sabrina L. Shadi, Esq.
BAKER & HOSTETLER
12100 Wilshire Blvd., 15th Floor
Los Angeles, CA 90025-7120

I declare under penalty of perjury that the foregoing is true and correct. Executed June 12, 2008, at Sacramento, California.



Camille Rasmussen

EXHIBIT 1

JILL P. TELFER (State Bar No. 145450)
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 A Professional Corporation
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 email: jilltelfer@yahoo.com

Attorney for Plaintiff **BRIAN SETENCICH**

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

BRIAN SETENCICH

Plaintiff,

vs.

THE AMERICAN RED CROSS, a non-profit
 corporation; STEVE BROWN; ROBERT
 BROWNING; and DOES 1 through 30, inclusive,

Defendants.

Case No. C 07-03688 SBA

**FIRST AMENDED COMPLAINT FOR
 EMPLOYMENT DISCRIMINATION**

****** JURY TRIAL DEMANDED******

COMES NOW Plaintiff BRIAN SETENCICH and alleges as follows:

BACKGROUND

1. This action is for damages and equitable relief and is brought pursuant to the Fair Employment and Housing Act, California Government Code sections 12920 et seq., related statutes, and California common law.

2. Plaintiff BRIAN SETENCICH ("Setencich") was recruited by defendants to work as the Communication Manager for the Blood Services, Western Region, Division of THE AMERICAN RED CROSS because of Setencich's excellent communication skills and extensive experience of working with the public. He was a perfect fit and filled an important need for Defendants. He would be working

1 directly for Marc Jackson ("Jackson"), the Director of Public Affairs and Communications for THE
2 AMERICAN RED CROSS.

3 3. Jackson, as the director of Public Affairs and Communications, since 1997, has won a
4 multitude of national awards for the work that he has performed for the defendants. When defendants
5 learned of Jackson's condition of psoriatic arthritis, which is a chronic condition protected under the
6 Fair Employment and Housing Act ("FEHA"), it has discriminated against him, denied reasonable
7 accommodation and are attempting to force him into quitting. In addition, defendants began retaliating
8 against Jackson because of his protected activities, including protesting the illegal conduct of the
9 defendants.

10 4. Defendant THE AMERICAN RED CROSS is a non-profit corporation, authorized to do
11 business in the State of California.

12 5. Defendant STEVE BROWN ("Brown") is currently the Vice President of the Western
13 Region for Defendants. Defendant ROBERT BROWNING ("Browning") is the Director of Human
14 Resources for Defendants.

15 6. The association between Jackson and Setencich began in the early 1990's when Setencich
16 was on the Fresno City counsel and Jackson was the Director of Public Relations and Editor in Chief
17 for the Metro News. The two worked on several issues together, and learned that they worked well
18 together. Thereafter, in 1994, Setencich was elected State Assembly for the 30th District and made
19 Jackson his Chief of Staff.

20 7. In 1997, Setencich became Special Liaison to the Mayor of San Francisco and Jackson
21 began working for Defendants in Southern California.

22 8. Each Defendant had a discriminating animus against Jackson because of his disability,
23 and protected activity, and developed a discriminatory animus against Setencich when they learned of
24 his association with Jackson.

25 9. The true names and capacities of the Defendants named herein as DOES 1 through 30,
26 inclusive, whether individual, corporate, associate or otherwise, are unknown to plaintiff who therefore
27 sues such Defendants by fictitious names. Plaintiff is informed and believes that the DOE Defendants
28 are responsible in some manner for the occurrences herein alleged and that Plaintiff's injuries were

1 proximately caused by the aforesaid Defendants. Plaintiffs will amend this complaint to show such true
2 names and capacities when they have been determined.

3 10. Plaintiff is informed and believes, and thereby alleges that each of the Defendants herein
4 was at all times relevant hereto the agent, employee or representative and or joint venturer of the
5 remaining Defendants, and was acting at least in part within the course and scope of such relationship.
6 Plaintiffs are further informed and believes, and thereon alleges, that each of the Defendants herein gave
7 consent to, ratified, and authorized the acts alleged herein to each of the remaining Defendants.

8 11. Plaintiff alleges on information and belief that, at all times relevant herein, Defendants,
9 and each of them, have actively participated in the fraud, misrepresentation against plaintiff because of
10 his association with Jackson, who has a disability under FEHA and who has been subjected to
11 discrimination with his disability as a motivating factor.

12 12. Plaintiff perfected his right to sue by filing a claim with the Department of Fair
13 Employment and Housing.

14 **FIRST CLAIM FOR RELIEF**

15 **Association Discrimination**

16 13. Setencich realleges and incorporates herein the allegations in paragraphs 1 through 12
17 as set forth above.

18 14. Setencich was recruited beginning in mid to late 2005 by Defendants, given his legislative
19 and communication qualifications and met with hiring decision-makers.

20 15. Plaintiff interviewed and met with decision-maker's on approximately three occasions.
21 He received positive reviews from the hiring panel and decision-makers. The decision was made to hire
22 Setencich. However, when defendants learned of Setencich's association with Jackson, who they were
23 attempting to force out given his use of family medical leave, disability, and protected activity, they
24 attempted to withdraw the decision.

25 16. Jackson needed the assistance of a Communication Manager to accommodate not only
26 his disability, but the growth of the department and to counter the attempts of the defendants to
27 undermine him and set him up to fail. Jackson found plaintiff to be the most qualified for the position,
28 as did those on the hiring panel.

1 25. Specifically, in June, 2005, the Human Resource Representative who reviewed
2 Setencich's application and written statement describing the criminal conviction informed Setencich
3 that the conviction would not stop his hire. In late 2005, Defendant Brown took Setencich aside, put his
4 arm around him and told Setencich they had worked with people with criminal backgrounds before; they
5 liked to give people second chances; they hire people for what they can bring to the table; and they
6 wanted to hire Plaintiff. Brown reiterated this to Plaintiff in approximately March, 2006. Browning also
7 told Plaintiff that his criminal background would not impede his hire. These statements were
8 republished to Setencich and others, confirming he would be hired, until approximately the summer of
9 2006.

10 26. However, Defendants knew their statements were false at the time they were made.
11 Defendants, and each of them, decided not to hire Plaintiff for their own illegal reasons, and instead
12 hired other employees with felony convictions and even used them for their ads and campaigns.

13 27. Sentencich reasonably relied on the representations of Brown, Browning and Human
14 Resources and did not discover the fraud until approximately September, 2006.

15 28. As a direct and proximate result of the conduct of Defendants, and each of them, Plaintiff
16 continued to visit Defendants and did not look for other employment. Plaintiff has incurred and will
17 continue to incur special damages, including, but not necessarily limited to lost wages and salary, lost
18 stock options and bonuses lost benefits, lost future earnings and benefits, medical costs and expenses
19 all in an amount to be determined according to proof at trial.

20 29. As a further, direct and proximate result of the conduct of Defendants, and each of them,
21 Plaintiff has suffered and will continue to suffer general damages, including severe emotional distress,
22 without limitation in an amount to be determined according to proof at trial.

23 30. The conduct of the Defendants, and each of them, as herein alleged, was malicious,
24 wilful, oppressive, was despicable conduct which constituted wilful, malicious, oppressive conduct on
25 the part of the Defendants, and each of them, which justify an award of exemplary and punitive damages
26 against these Defendants, and each of them, in an amount according to proof at trial or, in a sum
27 sufficient to deter Defendants from such conduct in the future.

28 WHEREFORE, Plaintiff prays for judgment as hereinafter set forth below.

THIRD CLAIM FOR RELIEF**Negligent Misrepresentation**

31. Plaintiff realleges and incorporates herein the allegations in paragraphs 1 through 30, as though set forth fully herein.

32. Defendants' representations as relied from above, including plaintiff being told he was to be hired, where plaintiff lost income, not only in travel and time, but made it so he was unable to secure other employment.

33. Defendants' actions were negligent and not in good faith.

34. As a direct and proximate result of the conduct of Defendants, and each of them, Plaintiff has incurred and will continue to incur special damages, including, but not necessarily limited to lost wages and salary, lost stock options and bonuses lost benefits, lost future earnings and benefits, medical costs and expenses all in an amount to be determined according to proof at trial.

35. The conduct of the Defendants, and each of them, as herein alleged, was malicious, wilful, oppressive, was despicable conduct which constituted wilful, malicious, oppressive conduct on the part of the Defendants, and each of them, which justify an award of exemplary and punitive damages against these Defendants, and each of them, in an amount according to proof at trial or, in a sum sufficient to deter Defendants from such conduct in the future.

36. As a result of the aforementioned conduct alleged herein, Plaintiff has suffered, and continues to suffer, humiliation, anxiety, mental anguish, emotional distress and lost wages in earning capacity.

WHEREFORE, Plaintiff prays for judgment as hereinafter set forth below.

PRAYER

1. Award Plaintiff compensatory damages, according to proof, for lost wages, medical and psychiatric care expenses and pain and suffering;

2. Prejudgment interest;

3. Reasonable attorneys' fees;

4. Reasonable costs of suit;

5. For punitive damages; and

1 6. For any other relief that the Court deems just and proper.

2
3 Dated: November 8, 2007

LAW OFFICES OF JILL P. TELFER
A Professional Corporation

4 /s/ Jill P. Telfer

5
6 **JILL P. TELFER**
Attorney for Plaintiff BRIAN SETENCICH

PROOF OF SERVICE

CASE: Setencich v. The American Red Cross, et al.
COURT: USDC, Northern District, Oakland Division
CASE NO. C 07-03688 SBA

I declare that I am a citizen of the United States, that I have attained the age of majority, and that I am not a party to this action. My business address is 331 J Street, Sacramento, CA 95814. I am familiar with this firm's practice of collection and processing of correspondence to be deposited for delivery via the U.S. Postal Service as well as other methods used for delivery of correspondence. On the below stated date, in the manner indicated, I caused the foregoing document(s) entitled:

FIRST AMENDED COMPLAINT FOR EMPLOYMENT DISCRIMINATION

to be served on the party(ies) or their (its) attorney(s) of record in this action by:

☐ Facsimile transmission to the number(s) noted below.

☒ Placing a true copy thereof in a sealed envelope with postage thereon fully prepaid in the designated area for outgoing mail and addressed as indicated below. Said documents will be deposited with the U.S. Postal Service at Sacramento, California on this date in the ordinary course of business. I understand that upon motion of a party served service shall be assumed invalid if the postal cancellation date or postage meter date on the envelope is more than one (1) day after the date of deposit for mailing as contained in this declaration.

☐ Hand-delivery addressed to:

Sabrina L. Shadi, Esq.
BAKER & HOSTETLER
12100 Wilshire Boulevard, 15th Floor
Los Angeles, California 90025-7120

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 8, 2007, at Sacramento, California.

/s/ Tricia Lenox

TRICIA LENOX

Complaints and Other Initiating Documents

4:07-cv-03688-SBA Setencich v. The American Red Cross et al
ADRMOP, E-Filing

U.S. District Court
Northern District of California
Notice of Electronic Filing or Other Case Activity

NOTE: Please read this entire notice before calling the Help Desk. If you have questions, please email the Help Desk by replying to this message; include your question or comment along with the original text.

Please note that these Notices are sent for all cases in the system when any case activity occurs, regardless of whether the case is designated for e-filing or not, or whether the activity is the filing of an electronic document or not.

If there are **two** hyperlinks below, the first will lead to the docket and the second will lead to an e-filed document.

If there is no second hyperlink, there is no electronic document available.

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The following transaction was received from by Telfer, Jill entered on 11/8/2007 2:01 PM PST and filed on 11/8/2007

Case Name: Setencich v. The American Red Cross et al
Case Number: 4:07-cv-3688
Filer: Brian Setencich
Document Number: 28

Docket Text:

AMENDED COMPLAINT against Brian Setencich. Filed by Brian Setencich. (Telfer, Jill) (Filed on 11/8/2007)

4:07-cv-3688 Notice has been electronically mailed to:

Ronald Joel Klepetar rklepetar@bakerlaw.com, ssuzuki@bakerlaw.com

Sabrina Layne Youdim Shadi sshadi@bakerlaw.com

Jill Patricia Telfer jilltelfer@yahoo.com

4:07-cv-3688 Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:\\Jill\data\1A ACTIVE CASES\SETENCICH\pleading\amended federal complaint.pdf

Electronic document Stamp:

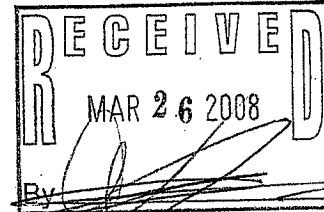
[STAMP CANDStamp_ID=977336130 [Date=11/8/2007] [FileNumber=3899477-0]

[8dda756ca841a19f42e6fa623cdd0ad00ee69ed4c6bf730571c40a64388bee51599f4

34b0b942a9c1d7f228f8fb43d83fa485d62d03972b660b32e1f95a025e9]]

EXHIBIT 2

RONALD J. KLEPETAR, Bar No. 52535
 SABRINA L. SHADI, Bar No. 205405
 BAKER & HOSTETLER LLP
 12100 Wilshire Boulevard, 15th Floor
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Attorneys for Defendants
 AMERICAN RED CROSS BLOOD
 SERVICES SOUTHERN CALIFORNIA
 REGION, Improperly Sued As The American
 Red Cross and STEVE BROWN

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

BRIAN SETENCICH,

Plaintiff,

v.

THE AMERICAN RED CROSS, a non-
 profit corporation, STEVE BROWN,
 ROBERT BROWNING and DOES 1
 through 30, inclusive,

Defendants.

Case No. C07-03688 SBA

[Honorable Sandra B. Armstrong,
 Department 3]

**DEFENDANT AMERICAN RED CROSS
 BLOOD SERVICES SOUTHERN
 CALIFORNIA REGION'S ANSWER TO
 BRIAN SETENCICH'S FIRST AMENDED
 COMPLAINT**

Complaint Filed: March 13, 2007
 First Amended Complaint Filed: November 8,
 2007
 Trial: None

Defendant American Red Cross Blood Services Southern California Region, improperly
 Sued as The American Red Cross ("ARC"), answers and responds to plaintiff Brian Setencich's
 ("Setencich") First Amended Complaint as follows:

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- 1 -

AMERICAN RED CROSS' ANSWER TO BRIAN SETENCICH'S FIRST AMENDED COMPLAINT

1 1. Answering paragraph 1, because paragraph 1 is a statement regarding the relief
2 sought by Setencich and the statutes upon which he has relied in bringing this action, ARC can
3 neither admit nor deny the allegations of this paragraph.

4 2. Answering paragraph 2, ARC is informed and believes that Marc Jackson
5 ("Jackson"), the Director of Communications and Marketing for American Red Cross Blood
6 Services Southern California Region/West Division invited Setencich to apply for the position of
7 Communication Manager and that, if hired, Setencich would have been working directly for
8 Jackson. ARC lacks knowledge or information sufficient to form a belief as to the truth of the
9 remaining allegations of this paragraph and, accordingly, denies each such allegation.

10 3. Answering paragraph 3, ARC is informed and believes that since 1997, Jackson,
11 along with his staff in the Communications and Marketing Department, has won national awards
12 related to work they have performed for ARC. Except as expressly admitted or stated on
13 information and belief, ARC denies the allegations in this paragraph.

14 4. Answering paragraph 4, ARC admits the allegations of this paragraph.

15 5. Answering paragraph 5, ARC denies the allegations of this paragraph.

16 6. Answering paragraph 6, ARC is informed and believes that Jackson and Setencich
17 met in the early 1990's. ARC is further informed and believes that Setencich made Jackson his
18 Chief of Staff when Setencich was elected to the State Assembly in 1994. ARC lacks knowledge
19 or information sufficient to form a belief as to the truth of the remaining allegations of this
20 paragraph and, accordingly, denies each such allegation.

21 7. Answering paragraph 7, ARC admits that Jackson began working for ARC in
22 1997. ARC lacks knowledge or information sufficient to form a belief as to the truth of the
23 remaining allegations of this paragraph and, accordingly, denies each such allegation.

24 8. Answering paragraph 8, ARC denies the allegations in this paragraph.

25 9. Answering paragraph 9, ARC lacks knowledge or information sufficient to form a
26 belief as to the truth of the allegations of this paragraph and, accordingly, denies each such
27 allegation in this paragraph.

10. Answering paragraph 10, ARC lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and, accordingly, denies each such allegation in this paragraph.

11. Answering paragraph 11, ARC denies the allegations in this paragraph.

12. Answering paragraph 12, the records maintained by the Department of Fair Employment and Housing speak for themselves.

COUNT I

ASSOCIATION DISCRIMINATION

13. ARC realleges and incorporates by reference its answers contained in paragraphs 1 through 12 of the first amended complaint.

14. Answering paragraph 14, ARC is informed and believes that Jackson invited Setencich to apply for the position of Communication Manager in or around June of 2005. ARC is also informed and believes that Setencich met with certain ARC employees. ARC lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph and, accordingly, denies each such allegation.

15. Answering paragraph 15, ARC is informed and believes that Jackson met with certain ARC employees. Except as stated on information and belief, ARC denies the allegations in this paragraph.

16. Answering paragraph 16, ARC denies the allegations of this paragraph.

17. Answering paragraph 17, ARC denies the allegations of this paragraph.

18. Answering paragraph 18, ARC denies the allegations in this paragraph.

19. Answering paragraph 19, ARC denies the allegations in this paragraph.

20. Answering paragraph 20, ARC denies the allegations in this paragraph.

21. Answering paragraph 21, ARC denies the allegations in this paragraph.

22. Answering paragraph 22, ARC denies the allegations in this paragraph.

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- 3 -

COUNT II**FRAUD**

23. ARC realleges and incorporates by reference its answers contained in paragraph 1 through 22 of the first amended complaint.

24. Answering paragraph 24, pursuant to the Court's Order dated February 14, 2008, the claim for Fraud has been dismissed as to all defendants.

25. Answering paragraph 25, pursuant to the Court's Order dated February 14, 2008, the claim for Fraud has been dismissed as to all defendants.

26. Answering paragraph 26, pursuant to the Court's Order dated February 14, 2008, the claim for Fraud has been dismissed as to all defendants.

27. Answering paragraph 27, pursuant to the Court's Order dated February 14, 2008, the claim for Fraud has been dismissed as to all defendants.

28. Answering paragraph 28, pursuant to the Court's Order dated February 14, 2008, the claim for Fraud has been dismissed as to all defendants.

29. Answering paragraph 29, pursuant to the Court's Order dated February 14, 2008, the claim for Fraud has been dismissed as to all defendants.

30. Answering paragraph 30, pursuant to the Court's Order dated February 14, 2008, the claim for Fraud has been dismissed as to all defendants.

COUNT III**NEGLIGENT MISREPRESENTATION**

31. ARC realleges and incorporates by reference its answers contained in paragraphs 1 through 30 of the first amended complaint.

32. Answering paragraph 32, ARC denies the allegations in this paragraph.

33. Answering paragraph 33, ARC denies the allegations in this paragraph.

34. Answering paragraph 34, ARC denies the allegations in this paragraph.

35. Answering paragraph 35, ARC denies the allegations in this paragraph.

36. Answering paragraph 36, ARC denies the allegations in this paragraph.

37. ARC alleges the following as affirmative defenses:

FIRST AFFIRMATIVE DEFENSE**(Failure to State a Cause of Action)**

38. Setencich's claims are barred by his failure to state facts sufficient to constitute a cause of action.

SECOND AFFIRMATIVE DEFENSE**(No Grounds for Punitive Damages)**

39. ARC is not guilty of malice, fraud or oppression against Setencich, and therefore, he is not entitled to punitive damages.

THIRD AFFIRMATIVE DEFENSE**(Failure to Mitigate Damages)**

40. If Setencich has suffered any injuries as alleged in the first amended complaint or otherwise, which ARC denies, then Setencich has failed to take reasonable steps to mitigate his alleged damages and any recovery in this action should be reduced to the extent that he failed to mitigate his damages.

FOURTH AFFIRMATIVE DEFENSE**(No Justifiable Reliance)**

41. Setencich's causes of action based on alleged misrepresentation by ARC are barred because Setencich could not have justifiably or reasonably relied thereon.

FIFTH AFFIRMATIVE DEFENSE**(No Emotional Distress Damages)**

42. ARC's actions with respect to Setencich was neither extreme nor outrageous, and therefore, Setencich is not entitled to damages for emotional distress

SIXTH AFFIRMATIVE DEFENSE**(No Misrepresentation of Fact)**

43. Setencich's causes of action based on alleged misrepresentations by ARC are barred because ARC did not make any misrepresentation of fact.

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- 5 -

SEVENTH AFFIRMATIVE DEFENSE**(Proper Exercise of Employer's Discretion)**

44. Any and all conduct of which Setencich complains and which is attributed to ARC was a just and proper exercise of management discretion on the part of ARC, undertaken for an honest, proper reason and regulated by good faith under the circumstances then existing.

EIGHTH AFFIRMATIVE DEFENSE**(Business Necessity)**

45. Any and all conduct of which Setencich complains and which is attributed to ARC was accomplished for and conducted due to legitimate and good faith business necessity.

NINTH AFFIRMATIVE DEFENSE**(Statutes of Limitation)**

46. The First Amended Complaint, and each and every purported cause of action alleged therein, is barred by the applicable statutes of limitations, including those set forth in California Code of Civil Procedure Sections 337, 338, 339 or 340 and Government Code Sections 129609 and 12965(b).

TENTH AFFIRMATIVE DEFENSE**(Reservation of Further Defenses)**

47. ARC hereby reserves the right to amend this pleading to include further affirmative defenses.

WHEREFORE, prays for judgment as follows:

1. That Setencich takes nothing by reason of the first amended complaint;
2. That Setencich's first amended complaint be dismissed with prejudice;
3. That judgment be rendered in favor of ARC;
4. That ARC be awarded costs of suit;
5. That ARC be awarded reasonable attorneys' fees; and

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- 6 -

6. For such other and further relief as this Court may deem just and proper.

Dated: March 26, 2008

BAKER & HOSTETLER LLP

/s/ Sabrina L. Shadi

RONALD J. KLEPETAR

SABRINA L. SHADI

Attorneys for Defendants

AMERICAN RED CROSS BLOOD

SERVICES SOUTHERN CALIFORNIA

REGION and STEVE BROWN

BAKER & HOSTETLER LLP
ATTORNEYS AT LAW
LOS ANGELES

PROOF OF SERVICE

I am employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 12100 Wilshire Boulevard, 15th Floor, Los Angeles, California 90025-7120. On March 26, 2008, I served a copy of the within document(s): **DEFENDANT AMERICAN RED CROSS BLOOD SERVICES SOUTHERN CALIFORNIA REGION'S ANSWER TO BRIAN SETENCICH'S FIRST AMENDED COMPLAINT**

- ☒ via electronic mail by the U.S. District Court – Live System.
- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. and the transmission was reported as complete and without error.
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

Jill P. Telfer, Esq.
 LAW OFFICES OF JILL P. TELFER
 A Professional Corporation
 331 J Street, Suite 200
 Sacramento, CA 95814
 Phone: (916) 446-1916
 Fax: (916) 446-1726
 Email: jilltelfer@yahoo.com

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court whose direction the service was made.

Executed on March 26, 2008, at Los Angeles, California.

/s/ Charlene E. Stamps

CHARLENE E. STAMPS

EXHIBIT 3

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From: JackMarc@usa.redcross.org Save Address Block Sender This
is Spam

To: <marcjackson@mail.com>

CC:

Subject: FW: Meeting Recap

Date: Fri, 9 Sep 2005 13:48:00 -0700

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-----Original Message-----

From: Jackson, Marc

Sent: Friday, September 09, 2005 1:32 PM

To: Brown, Stephen (WCBU - VP)

Subject: Meeting Recap

Thanks, Steve.

The working accommodations we agreed upon are appreciated. As you mention, it is extremely important to fill Julie's old position for the reasons we discussed. I appreciate that you are willing to give Brian Setencich a fair opportunity. I am confident that he would work well with both Stephen and Charlie. I think you will be impressed.

Stephen has done an amazing job and I know that you will show your appreciation. He has truly gone the extra mile.

As discussed, I strongly support all material that has system-wide application being sent to other Divisions under your signature. Currently, as you know, there is a moratorium where we cannot

26

MJ115

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03/24/2007 12:41 PM

charge other Regions or Divisions for our services. Therefore, we invite other Divisions to purchase our products directly from our vendor. They are given the price that the So Cal Region would be charged if it were the only buyer. However, these additional purchases by other Divisions do result in volume buying discounts and our vendor has agreed to give all of those savings to the West Division in the form of credits because of the increased business we are bringing them. In August, these credits amounted to \$3,000 in savings to the West Division.

I don't foresee a problem with media relations between the Region and the Division. As I see it, virtually all media inquiries would be handled on the Regional level. Of course, the Division would be in daily contact with the Region to provide background and counsel when necessary or requested, but messaging should be tailored to the community and approved on the Regional level. The Division would ensure that messaging is within the acceptable parameters established by BHQ.

Under consolidation, you mention that Spanish translations would be a Divisional responsibility. The Hispanic media specialist, Hector Calderon, will be returning soon (9/19/05) from an educational sabbatical in London. I would suggest that he report to the Region since the position involves extensive Spanish language media relations. He also works closely with Rudy Salinas in DRD to develop strategic partnerships. I would suggest that this position report to Stephen since Stephen is bilingual and Stephen, Rudy, and the Los Angeles Chapter are currently in the process of finalizing a deal with Telemundo. Stephen and I would coordinate translation efforts as needed.

As discussed, the Division Communications Department will primarily focus on communicating and advancing the "big picture" strategic priorities you establish that may have the potential for system-wide application while supporting the recruitment marketing functions of the Region.

-----Original Message-----

From: Sjljrj@aol.com [mailto:Sjljrj@aol.com]
Sent: Friday, September 09, 2005 7:13 AM
To: Jackson, Marc
Subject: Meeting Recap

Marc, the following is a recap of our meeting last Wednesday afternoon:

- The working accommodation during your recovery is that approximately 80% of your time will be spent in the office (either Culver City or Pomona) and approximately 40% at home.
- We will need to move to fill Julie's position which I will get the ball rolling next week.
- I will meet with Brian Sepencich (sp?) for a brief interview. Will also review current ARC policy. No promises but do want to give this a fair shake.
- Thanks for resuming the Daily Briefing Service.
- I need to be sure we give adequate recognition to Stephen Whitburn to show our appreciation for the work he has been doing.
- We need to establish some guidelines on how we are going to support the other Divisions with the materials we develop within the West Division. I think we are in agreement that keeping me in the loop and issuing communication to the other Divisions under my signature could increase the use of our services.
- In the development of ideas, programs, projects, materials I ask that you keep me updated as well as get my approval before we incur costs. Very important as you aptly pointed out "no department budget information has ever been provided to you" so having my approval for expenditures assures everyone we are operating with fiscal responsibility.

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- There will be a Division Communications Department that will be responsible/report to me as the Division Vice President. The Director position will have to be "acting" as under current requirements the position has to be "posted" versus "appointed" plus selection of DVP direct reports have to be approved by the Senior Vice President, Don Dudley.

- With input I will need to define the roles and responsibilities of the Division Communications Director. One challenge we have is in relationship to the Region based public relations staff that report directly the Region CEOs and the Communications Director. I think the concern here from the CEOs is that they won't be treated as customers and have their local needs met regarding interaction with local media, community and chapter relations. We'll discuss this further next week.

- In the area of donor recruitment (collections, hospital services, sales) Jack McGuire continues hammer home the point that this is a direct responsibility of Region CEOs who will be held accountable for getting collection targets achieved. The pressure is on and the CEOs are feeling it - in fact several did not get raises due to collection performance in FY05. Therefore, within the West Division, we must be sensitive to this pressure and need to understand that the CEOs as a group (with input from their respective staff) expect to have involvement in all decisions related to recruitment. This DRD initiatives, recruitment campaigns, promotions, etc., will have some consolidation and will have centralized oversight but driven by consensus of the Region CEOs.

- Consolidation activities at the Division level include recruitment campaigns (decided by Regions); recruitment brochures, recruitment collateral materials, donor information brochures and forms, employee/hospital/donor/sponsor/volunteer newsletter templates customized for Region specific information, printing services, video development and production, print/television/radio/billboard advertising (requires DVP and SVP approval), graphic design, photography and photo library, spanish translations, news briefings, grant writing and Point of Contact (POC) for the Division to NHQ communications/public relations.

- We will need to clearly establish guidelines as to how the process between the Regions and the Division will function related to centralized communications, public affairs, media relations and media relations training, public relations, chapter communications, hospital communications, etc. The public affairs person is already established in the Arizona Region and the Northern California Region. There is an assumption by Charlie Wilcox that his Region public affairs person in San Diego will be Stephen Whitburn and will want a designated Region public affairs person for Pomona/LA. Keep in mind these positions currently report to the Region CEO and will have dotted lines to the Communications Director. Therefore, our challenge is to bring clarity on how this is going to work now that all media inquiries comes to you along with how are we going to draw the line between the SoCal Region responsibilities and the Division responsibilities when housed within the same building - need your thought process on this.

- Finally we need to have further discussion on how the Division Communications Department is going to operate to address the various functions, tasks, and activities assigned to the department.

Marc, I may have missed some points which we can cover when we get together next week to begin to move forward on many of these items outlined above. I appreciate your creative talent and the work the you do. I know you will work with me as we make this transition and I know you recognize the need to be very customer oriented to our internal staff. It has been unsettling for everyone and hopefully we are going to be able to put in place processes that assists everyone in their jobs as we move to the Division business model.

Take care and have a great weekend.

Steve Brown
Division Vice President

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EXHIBIT 4

<p>Marc Jackson January 30, 2008 Page 114</p> <p>1 politically motivated conviction? 2 MS. SHADI: Objection, assumes facts not 3 in evidence. 4 THE WITNESS: Yes, I just didn't think 5 it was consistent. Didn't understand it. 6 BY MS. TELFER: 7 Q. And in regards to Mr. Setencich's 8 criminal conviction, was it your understanding 9 that he ended up being convicted of filing a 10 false tax return that was under \$10,000? 11 A. Yes. 12 Q. And have you learned that individuals 13 that usually aren't even convicted of such a 14 crime are usually a civil penalty and not a 15 criminal one? 16 A. Yes. 17 Q. Are you aware of any -- strike that. 18 So is it correct that sometime after 19 July 1st, 2005, this prior CEO was rehired as a 20 nurse? 21 MS. SHADI: Asked and answered. 22 MS. TELFER: I didn't ask the date. 23 Q. But it was after July 2005? 24 A. Can I see what you're referencing? 25 Q. I'm sorry.</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505 (800) 610-0505 Fax (916) 448.8726</p>	<p>Marc Jackson January 30, 2008 Page 116</p> <p>1 we had. 2 Q. Just for the record then, because I've 3 seen this in the news media anyway, but the 4 individual that had been a CEO that was rehired 5 as a nurse after 2005, that was Miss Turner? 6 A. Correct. 7 Q. I have marked as Exhibit 22, if I locate 8 it, a two-page document, Bates stamped MJ102 to 9 103 and again these are some e-mails, and I just 10 want to get them authenticated. I believe these 11 e-mails concern your being question on \$7.52 on 12 an expense report. 13 (Exhibit No. 22 marked for identification.) 14 BY MS. TELFER: 15 Q. I just want to establish for the record, 16 do you remember receiving e-mails questioning a 17 receipt that you submitted for \$7.52? 18 A. Yes. 19 Q. As of July 2005 did you feel that your 20 expense reports were being scrutinized? 21 A. Everything I did was scrutinized. 22 Q. And this is just one example? 23 A. Well, yeah, to me what was more, you see 24 in the e-mail above it, was I had no staff. And 25 so my kids and I had to work until 2:00 o'clock</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505 (800) 610-0505 Fax (916) 448.8726</p>
<p>Marc Jackson January 30, 2008 Page 115</p> <p>1 A. Yes. 2 Q. And that individual was rehired to work 3 in the southern California region? 4 A. Yes. 5 Q. So based on your experience of working 6 in that region, is it your understanding that 7 that hire would have been approved by Charlie 8 Wilcox and Steve Brown, if you know? 9 A. It would have to be approved by -- I 10 don't know. I have no idea. That I don't know. 11 I don't know. It could have to be -- it 12 depends -- I don't know. 13 Q. So after July 1st of 2005, did you meet 14 at all with Mr. Brown to discuss reconsidering 15 his position on Mr. Setencich? 16 A. I talked to him briefly. I know Steven 17 Wittburn talked to him at length, because Steven 18 would be handling the media aspects of it, and 19 Steven thought, you know, hey, there's more of an 20 issue here about, you know, definitely hiring, 21 you know, Miss Turner, rather than, you know, 22 because people are more sympathetic to, you know, 23 an erroneous tax return, you know, in most 24 peoples' opinion than a DUI, especially a heroin 25 conviction. At least that was the opinion that</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505 (800) 610-0505 Fax (916) 448.8726</p>	<p>Marc Jackson January 30, 2008 Page 117</p> <p>1 in the morning, getting things ready, and I mean 2 -- and I was sick. I was absolutely exhausted. 3 I had nowhere to go. 4 Q. So at this time do you believe American 5 Red Cross was accommodating your medical 6 condition? 7 A. No. 8 Q. And did you continue to have concerns 9 that you were being set up to fail? 10 A. Yes. 11 Q. Just for the record then Exhibit 22 on 12 the bottom of the page is an e-mail that you sent 13 out, explaining that the \$7.52 was in regards to 14 a lunch that you had? 15 A. Right. 16 Q. And then the top e-mail you sent to 17 Mr. Dudley? 18 A. Correct. 19 Q. And again Mr. Dudley was the senior VP? 20 A. Correct. 21 Q. I'm going to mark as Exhibit 23 a 22 document that is a press release, I believe, from 23 the American Red Cross, regarding your -- award 24 for the PR's highest international honor? 25 (Exhibit No. 23 marked for identification.)</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505 (800) 610-0505 Fax (916) 448.8726</p>

<p>Marc Jackson January 30, 2008 Page 118</p> <p>1 BY MS. TELFER: 2 Q. Do you remember that this press release 3 went out in July of -- July 21st, 2005? 4 A. Correct. 5 Q. Do you know why it took so long since 6 the award was given in the beginning of July? 7 A. That's just the way the Red Cross works. 8 Q. And again this is in regards to the 9 award that involved the United Nation you talked 10 about earlier? 11 A. Right. 12 Q. I've marked as Exhibit 24, a one-page 13 documented, dated August 22nd of 2005, Bates 14 stamped MJ107. And I'm going to just explain it 15 for the record, and please take your time to read 16 it, if you need to. But is this a letter from 17 the director of human resources, Marlene Zweig, 18 that you received August 22nd, 2005, informing 19 you that the American Red Cross could not longer 20 accommodate your condition by allowing you to 21 work at home? 22 A. Correct. 23 (Exhibit No. 24 marked for identification.) 24 MS. SHADI: Objection, document speaks 25 for itself.</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505 (800) 610-0505 Fax (916) 448.8726</p>	<p>Marc Jackson January 30, 2008 Page 120</p> <p>1 A. Yes. 2 Q. I'm going to show you a document that 3 I've marked as Exhibit 25. It's dated August the 4 25th of 2005. 5 (Exhibit No. 25 marked for identification.) 6 BY MS. TELFER: 7 Q. Is this a letter that you sent back to 8 Marlene Zweig? 9 A. Yes. 10 Q. And did you request that the American 11 Red Cross reconsider and accommodate you? 12 A. Yes. 13 Q. Did Dr. Peckaral send a letter, if you 14 know? 15 A. Yes. 16 Q. After yourself and Dr. Peckaral sent a 17 letter asking the American Red Cross to 18 reconsider accommodating your condition, did you 19 eventually have a meeting with Steve Brown? 20 A. Yes. 21 Q. And who was present at that meeting? 22 A. Steve and myself. 23 Q. I have marked as Exhibit 26 a four-page 24 document that involves e-mails, but I believe it 25 recaps the meeting. You look at the second page</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505 (800) 610-0505 Fax (916) 448.8726</p>
<p>Marc Jackson January 30, 2008 Page 119</p> <p>1 THE WITNESS: Yes. This and -- but, you 2 know, I mean, but you what, you know, you can see 3 like this e-mail right here that I wasn't just 4 working from home. I was doing, you know, I had 5 my kids and everything doing this stuff, but 6 frankly, when I got done doing stuff that nobody 7 else knew how to do, they just said, you know, 8 this is when I knew, beyond a shadow of a doubt, 9 that I was totally being set up to fail and that 10 because, you know, they say I'm not working, you 11 know, they imply that I'm not working. Yet they 12 win the highest award in PR for my work, and my 13 kids and I are putting, organizing events for 14 them, you know, but then since those events were 15 done, and they had some lag time, now is the 16 perfect time to, you know, say adios, dude. 17 Q. As a result did this cause you more 18 stress? 19 A. Absolutely. 20 Q. And is that because you love your job? 21 A. Yes. 22 Q. As a result did you respond to the 23 director of human resources' letter informing you 24 that American Red Cross would no longer 25 accommodate you?</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505 (800) 610-0505 Fax (916) 448.8726</p>	<p>Marc Jackson January 30, 2008 Page 121</p> <p>1 of the exhibit first of all because it's the 2 first e-mail in time. And it appears to be 3 from some e-mail address that I don't know, but 4 it says "Steve Brown" at the end. Is the second 5 page and third page of Exhibit 26 an e-mail from 6 Mr. Brown to you? 7 A. Yes. 8 (Exhibit No. 26 marked for identification.) 9 BY MS. TELFER: 10 Q. And did you receive it on September the 11 9th of 2005? 12 A. Yes. 13 Q. It says "Marc, the following is a recap 14 of our meeting last Wednesday." Do you recall 15 that the meeting with Mr. Brown was on September 16 the 7th, approximately two days prior to this 17 e-mail? 18 A. Yes. 19 Q. And during that meeting was 20 accommodating you discussed? 21 A. Yes. 22 Q. Do you know what prompted the meeting? 23 A. I think the letter. I know that 24 Dr. Peckaral wrote a letter. I don't know if 25 Dr. Peckaral called. Then Dr. Peckaral was</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505 (800) 610-0505 Fax (916) 448.8726</p>

Marc Jackson

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1 pretty upset by this time.

2 Q. Did he share with you -- he was very
3 concerned over your health?

4 A. Right. And I was absolutely thrilled by
5 this. I was totally thrilled by, you know, this
6 accommodation.

7 Q. And the accommodation was to allow you
8 to work 60 percent in the office and 40 percent
9 at home?

10 A. Right.

11 Q. Did Steve Brown during the meeting say
12 that there would be any limit on this, so this
13 could only go for six months?

14 A. No, and I assured him, you know, the job
15 would get done, you know, but he didn't mention
16 that, you know, the people who know me I won't
17 let things not get done.

18 Q. And it also says in this e-mail, "We
19 will need to move to fill Julie's position, which
20 I will get the ball rolling next week." So
21 during the meeting on September 7th, was filling
22 the communication manager position discussed?

23 A. Yes.

24 Q. And did Mr. Brown agree to meet with
25 Mr. Setencich for an interview?

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Marc Jackson

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1 policy that was -- had a date of 2007, and it
2 said that under certain circumstances an
3 individual with a conviction, if it was in the
4 last so and so years, could not be hired.

5 Let me ask you this as of 2005, had
6 anyone ever shown you a policy, a written policy,
7 that someone with a criminal conviction no matter
8 of the circumstances couldn't be hired?

9 A. No.

10 Q. Did Mr. Brown state that he would give
11 Bryan Setencich a fair shake?

12 A. Yes.

13 Q. And were you asked to resume the daily
14 briefing service that you had done previous?

15 A. Yes.

16 Q. So as of September the 9th, 2005, did
17 you believe that things were going to get better
18 now?

19 A. Yes.

20 Q. And were you very relieved that you were
21 going to have a communications manager to assist
22 you?

23 A. Yes.

24 Q. Looking at the first page of Exhibit No.
25 26, did you respond back with e-mail at 1:32

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Marc Jackson

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1 A. I think so, yes. Now I'm getting my
2 dates confused, but I'm pretty sure, yes.

3 Q. If you look at the second page --

4 A. Yes, this was the second time -- okay,
5 okay, yes, yes.

6 Q. Do you know how many times Mr. Brown
7 actually met with Bryan Setencich?

8 A. I think once.

9 Q. And is it your understanding it was
10 sometime after September 7th, 2005, that
11 Mr. Brown met and interviewed Mr. Setencich?

12 A. Yes.

13 Q. And he says "We'll also review current
14 ARC policy." Do you know what he's referring to
15 in that regard?

16 A. My guess would be --

17 Q. I don't want you to guess. You might
18 not know.

19 A. I might know, but just the context that
20 I read it into would -- I assume it would be
21 whether the Red Cross policy is regarding, you
22 know, hiring someone with a past felony
23 conviction.

24 Q. At Mr. Setencich's deposition for the
25 first time the American Red Cross produced a

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Marc Jackson

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1 P.M.?

2 A. Yes.

3 Q. Do you know when after September 9th,
4 2005, Mr. Brown met with Mr. Setencich?

5 A. I don't remember the exact date, no.

6 Q. Were you present during that meeting?

7 A. No.

8 Q. Did Mr. Setencich share with you what
9 Steve Brown had told him during that meeting?

10 A. Yes.

11 Q. What did Mr. Setencich tell you?

12 A. He said that it was real informal.

13 Steve shook his hand and patted him on the back
14 and told him that he understood that he thought
15 everybody deserved a fair chance, and that he
16 wanted him to talk with Bob Browning, the HR
17 director.

18 Q. Did Mr. Setencich share with you that he
19 felt as though his interview with Steve Brown
20 went well?

21 A. Yes.

22 Q. Did Steve Brown ever report back to you
23 what happened during that interview?

24 A. No.

25 Q. Do you know whether or not Mr. Setencich

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<p>Marc Jackson January 30, 2008 Page 126</p> <p>1 met with Bob Browning? 2 A. Yes. 3 Q. And did you actually set up that meeting 4 or that interview? 5 A. No, either Steve did or his secretary 6 did. 7 Q. And how did you know Mr. Setencich met 8 with Steve Brown -- I'm sorry. How did you know 9 that Mr. Setencich met with Bob Browning? 10 A. Steve told me -- Steve Brown told me 11 that he wanted to -- Steve said that both he -- 12 he wanted to meet with Bryan Setencich and he 13 also wanted Bob Browning to interview with -- 14 Q. Did he explain to you why he wanted 15 Mr. Setencich to interview with Robert Browning? 16 A. No. 17 Q. As of the time that Steve Brown said 18 that he would meet with Mr. Setencich and 19 interview him, did you believe that Bryan 20 Setencich was the most qualified candidate for 21 the communications manager position? 22 A. Yes. 23 MS. SHADI: Assumes facts not in 24 evidence. 25 BY MS. TELFER:</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505 (800) 610-0505 Fax (916) 448.8726</p>	<p>Marc Jackson January 30, 2008 Page 128</p> <p>1 -- what this was, was that then the position 2 just -- it kept on fading into oblivion, this 3 position, okay? And so I think what happened is 4 is that I posted it again, okay? And I was 5 eventually told -- well, where's the e-mail where 6 I was told that it isn't going to happen, that 7 Bryan wasn't to get hired. 8 BY MS. TELFER: 9 Q. I have a February 21st, 2006 e-mail that 10 I'll show you in a minute. 11 A. Okay, so well, anyways this was either 12 filled out to -- because the Bryan thing was kept 13 going on, or because I was eventually told that 14 Bryan wasn't going to be hired, and I wanted to 15 have Steven move into that position, so it was 16 for one of those two reasons, but the position 17 just disappeared. 18 Q. Okay. Do you believe that Exhibit 27 19 was to try to retrigger the process to get it 20 filled? 21 A. Yes. 22 Q. Whether it was going to be Mr. Setencich 23 or Mr. Wittburn? 24 A. Exactly. 25 Q. Was Mr. Setencich your first choice for</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505 (800) 610-0505 Fax (916) 448.8726</p>
<p>Marc Jackson January 30, 2008 Page 127</p> <p>1 Q. And did you learn from the panel that 2 they believed that Mr. Setencich was the most 3 qualified candidate? 4 A. Yes. 5 Q. And did Dr. Peckaral share with you that 6 he believed that Mr. Setencich was the most 7 qualified candidate? 8 A. Yes. 9 Q. Did Robert Browning share with you the 10 outcome of his meeting with Bryan Setencich? 11 A. No. 12 Q. Has Robert Browning ever discussed Bryan 13 Setencich with you? 14 A. No. 15 Q. I'm going to show you a document that 16 I've marked as Exhibit 27. It's Bates stamped 17 MJ003 and ask you what this document is? 18 A. Okay. So then after -- September 9th, 19 2005 -- do we know what -- do we know the dates 20 of when Bryan met with Steve and Bob Browning? 21 Q. No, Mr. Setencich didn't know, and the 22 Red Cross hasn't told me yet? 23 (Exhibit No. 27 marked for identification.) 24 MS. SHADI: I'm not sure. 25 THE WITNESS: I kind of think then this</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505 (800) 610-0505 Fax (916) 448.8726</p>	<p>Marc Jackson January 30, 2008 Page 129</p> <p>1 the communications manager position in LA or was 2 it Mr. Wittburn? 3 A. Bryan Setencich was the first choice for 4 LA, with Steven Wittburn in San Diego. 5 Q. And looking at Exhibit 27, is that Steve 6 Brown's signature? 7 A. Yes. 8 Q. He filled that position? 9 A. Yes. 10 Q. You were never allowed to fill this 11 position; were you? 12 A. No. 13 Q. I'm going to show what will be marked as 14 Exhibit 28. It's Bates stamped MJ007 through 15 009, and it's identified on the first page 16 "Communications manager position, Posted on 17 February the 10th, 2006. 18 Do you know what this document is for 19 one? 20 A. This was I presume that this -- I don't 21 know who -- unless they had specialist leave 22 around -- this is for the manager's position that 23 was opened, and this was probably just to fill 24 another position where somebody left. I can't 25 think off of my head who left on February 10th,</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505 (800) 610-0505 Fax (916) 448.8726</p>

<p>Marc Jackson January 30, 2008 Page 142</p> <p>1 about a bleak financial condition, and I show 2 them how to cut it in half, instead of cutting it 3 in half, they keep the status quo, and so I 4 didn't understand how that addressed the 5 financial situation, you know. 6 Q. So did you believe that the, for want of 7 a better term, the excuse that it was because of 8 financing that they weren't bringing Mr. Wittburn 9 up to LA was false because they hired Miss 10 Solario? 11 A. Yeah, I totally believe that because 12 they would be able to -- under my plan they would 13 have been able to eliminate a position, and under 14 Mr. Wilcox's plan, they kept the status quo. I 15 would have cut expenses, you know, when you 16 consider benefits and everything by what? 17 80-\$90,000, and so I don't understand. 18 Q. I'm going to mark as exhibit next a 19 order several page document, Exhibit 33, several 20 pages Bates stamped MJ164 through 171. For the 21 record let me know if you need a break. It's 22 hard going through over -- emotional part to it 23 so, I'm sorry. 24 A. That's okay. 25 (Exhibit No. 33 marked for identification.)</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505(800) 610-0505 Fax (916) 448.8726</p>	<p>Marc Jackson January 30, 2008 Page 144</p> <p>1 Cross. It almost -- we had a very large contract 2 with Ortho Diagnostics, and they just, you know, 3 it was big, big, big, problems and national 4 headquarters went ballistic over it. They were 5 not happy at all. They just weren't happy at 6 all. 7 Q. And as a communication -- 8 A. Why was I excluded? I didn't understand 9 why? I don't get it. I wouldn't have been 10 excluded over this. I mean Ross Herron who's a 11 world renown authority on it, you know, I just 12 would have prompted him to handle it, so I don't 13 understand why they kept excluding me from this 14 stuff. 15 Q. Did anyone ever explain to you why you 16 were being excluded from this information? 17 A. No. 18 Q. I'm going to show you a document that 19 we'll mark as Exhibit 34. At the top it's 20 entitled "Performance Improvement Plan for Marc 21 Jackson to Steve Brown. I may be taking these 22 actually out of order. I'm going to do it this 23 way instead. I'm going to mark as Exhibit 34 a 24 memorandum entitled "Performance Improvement 25 Plan," Bates stamped MJ173 to 174.</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505(800) 610-0505 Fax (916) 448.8726</p>
<p>Marc Jackson January 30, 2008 Page 143</p> <p>1 BY MS. TELFER: 2 Q. Since this was a rather lengthy e-mail, 3 and I know our time is short, if you don't mind? 4 I'm just going to concentrate on one issue on 5 these group of e-mails. Specifically, on the 6 second page. Is that an e-mail that you sent to 7 Steve Brown on September the 15th at 8 approximately 5:38 P.M.? 9 A. Yes. 10 Q. It says, "I'm surprised that I was not 11 included in the discussion on managing this issue 12 nor was I ever informed on the background on the 13 Ortha Chaugas (phonetical) test trial discussed 14 in e-mails below." As of this time September 15 15th, 2006, did you feel that you were being 16 further excluded from information to assist you 17 to do your job? 18 A. Absolutely. 19 MS. SHADI: I was going to -- objection 20 here. Assuming facts not in evidence. 21 BY MS. TELFER: 22 Q. Did you get this e-mail in response from 23 Steve Brown saying this was a mistake? 24 A. Yes. This had huge a potential 25 financial ramification for the American Red</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505(800) 610-0505 Fax (916) 448.8726</p>	<p>Marc Jackson January 30, 2008 Page 145</p> <p>1 (Exhibit No. 34 marked for identification.) 2 BY MS. TELFER: 3 Q. Mr. Jackson, did you receive this 4 performance improvement plan from Steve Brown? 5 A. Yes. 6 Q. And was there an actual meeting in which 7 this document was discussed with you? 8 A. Yes. 9 Q. Were you surprised by it when you first 10 received it? 11 A. I was surprised at the allegation, but 12 prior to that for like a month, staff coming into 13 me saying that HR was conducting this 14 investigation of me, and they were -- this is 15 their words, not mine, and they were trying to 16 twist their words around, and they would say 17 something one way and they try to say it, and 18 they go, no, I didn't mean that, and they were so 19 concerned, a number of them even went to HR and 20 said, I would like to see my statement and they 21 said they had no right to see the statement, and 22 so -- so then at this meeting I said, you know, I 23 didn't do this stuff. You know what I mean? One 24 of the things is like, you know, is like when I 25 talk loud, I can't -- one of my -- when I was</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505(800) 610-0505 Fax (916) 448.8726</p>

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1 sick the first time, I cannot -- it's weird, but
 2 I cannot measure how loud I'm talking. I can't
 3 do it for some reason. I can hear okay, but I
 4 can be talking -- I don't know right now if I'm
 5 talking softly or I'm talking too loud, and so a
 6 lot of times I would be talking loud, and I can't
 7 even, you know -- but that's beside the point. I
 8 never talked, you know, about people's, you know,
 9 I forgot what it was -- body parts, and it was
 10 just, I mean, and it really concerned me. To
 11 this day I asked my staff -- it has been like a
 12 year now, guys. I swear I'm obviously over it.

13 Did I do this? Please, if I did I want to know,
 14 and they said, no, you didn't. You didn't do
 15 this, Marc, and so I mean I just -- and then I
 16 was told if I didn't sign this paper that I would
 17 -- that they will consider it my voluntary
 18 resignation.

19 Q. Was this the first time termination or
 20 your leaving the Red Cross ever discussed?

21 A. Yes.

22 Q. First of all, have you ever seen an
 23 investigative report concerning you?

24 A. They said I -- I asked for it, and they
 25 said if I wanted to see it -- Bob Browning said

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1 Q. Would you like to see that report, if
 2 you could?

3 A. Absolutely.

4 Q. Would you have any objection on privacy
 5 grounds of it was requested?

6 A. No. Because and I don't mean this --
 7 seriously, I mean, I want to improve myself and
 8 if I did this stuff, I want to know about it, but
 9 they gave me one situation. They said that I was
 10 screaming at somebody. It wasn't me screaming at
 11 the person and my whole staff was going -- that
 12 wasn't you. You were there trying to break it

13 up. It was so absolutely absurd, you know, but
 14 they said that I was the one that was involved in
 15 it. And I go, you know, then even if you're
 16 worried about me, like, going after these people,
 17 which I'd never do, then retrack it. You know,
 18 black out the names of the people who
 19 supposedly -- but, you know, I mean if people are
 20 making allegations, they should be -- a person
 21 has a right to face their accuser. And then I
 22 said -- this is what is the other thing. I said
 23 okay, let's say I sign the report, just so we can
 24 start out from scratch. I go, what happens if
 25 somebody files another complaint? You're gone.

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1 if I wanted to see it, the only way I would be
 2 allowed to see it, is if I filed a lawsuit
 3 against the Red Cross. His exact words were
 4 "That is your right as an American." I said I
 5 really don't want to do that. He said well,
 6 you're going to have to sign the report. I can't
 7 do because it's not -- it's not telling the
 8 truth.

9 Q. Would it be a fair statement your
 10 reputation is very important to you?

11 A. Yes, of course.

12 Q. And you've worked very hard for your
 13 reputation?

14 A. Right.

15 Q. And your subordinates have shared with
 16 you that they felt like they had a good working
 17 relationship with you as of 2006?

18 A. Correct.

19 Q. And when the people came to you and said
 20 that HR was twisting their words, did you observe
 21 any affect on morale?

22 A. Oh absolutely, absolutely.

23 Q. Do you know who was conducting this
 24 investigation?

25 A. Barbara Kay.

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1 It's automatic, and I go --

2 Q. Who said you were gone?

3 A. Bob Browning. And I go what's if it's
 4 anonymous? It doesn't matter. You're gone.

5 Q. Did he say that when he discussed this
 6 improvement plan?

7 A. Yes.

8 Q. In regards on the accusations, were you
 9 told who made these accusations against you?

10 A. They said that the photographer -- they
 11 did admit that the photographer who was being
 12 investigated by the finance department, who I
 13 recommended to termination, you know, who was
 14 stealing, they admitted that she was one of the
 15 people, and so I kept going to HR, have you
 16 called the finance department to ask them about
 17 this investigation? And they go, no, and so then
 18 I asked the finance department, I go finance
 19 department, has HR called you? No, and so I'm
 20 sitting there going, well, haven't you guys ever
 21 thought that she may be trying to retaliate
 22 against me because she's stealing company
 23 property. She is lying about her mileage. It's
 24 a prima fascia case. You can see -- I mean her
 25 receipts don't match up with her mileage. Her

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<p>Marc Jackson January 30, 2008 Page 150</p> <p>1 receipts will say, you know, that's she's in 2 Santa Monica, and she'll be claiming mileage 3 going to Pico Rivera. It's crazy, and that's 4 when I just, I mean, two days later I was in the 5 emergency room. 6 Q. And so that's on or about February 24th? 7 A. Yes -- or the 23rd. I think it was 8 actually the 23rd. 9 Q. Did Barbara Kay ever interview you? 10 A. Yes. 11 Q. But she never informed you specifically 12 who complained? 13 A. Right. 14 Q. During the interview? 15 A. Right. 16 Q. And the accusation that are in this 17 improvement plan say that you talk about sexual 18 topics, personal information about people, did 19 that upset you when you heard what these alleged 20 accusations were? 21 A. Well, yeah, especially when I don't -- 22 they refused to give me any examples. 23 Q. And was it your understanding that this 24 performance improvement plan was going to be 25 placed in your personnel file?</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505 (800) 610-0505 Fax (916) 448.8726</p>	<p>Marc Jackson January 30, 2008 Page 152</p> <p>1 and like Fairfax which is only about two miles 2 away from the Culver City office and, you know, 3 Dr. Peckaral was in South America, and they just 4 said, look, he's going to be back in a week or 5 so. Just wait for him, and they put me on, like, 6 a week's disability, and I started off on, like, 7 codeine and it just wasn't working and I think we 8 bumped it up Vicodin, and then I've gone from 9 Vicodin to Percodan to Oxytocin and now I'm on 10 morphine, morphine sulfate. 11 Q. In addition to this written or this 12 performance improvement plan, did they give you a 13 written-verbal warning? 14 A. Beforehand? 15 Q. At some point. 16 A. No, never. No -- and that's the other 17 thing I asked. I go if I'm using foul language 18 or something and people are offended, why don't 19 you just tell me, and I'm happy, you know, if I'm 20 offending someone, of course, I'm going to change 21 the way, you know, if I'm offending someone -- 22 no. They never did. They just hit me with this. 23 Q. I'm going show you a document and see if 24 I can refresh your recollection. I messed up on 25 the date. I'm going to show you a document</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505 (800) 610-0505 Fax (916) 448.8726</p>
<p>Marc Jackson January 30, 2008 Page 151</p> <p>1 A. It is in my personnel file. 2 Q. And they haven't taken it out yet? 3 A. No. That is as far as I know. 4 Q. Do you believe that you ever got the 5 opportunity to address these accusations to show 6 that you were innocent? 7 A. There's no -- the only way I could do 8 that is if I, according to Bob Browning, if I 9 filed a lawsuit against the American Red Cross. 10 Q. And did he tell you that during the same 11 meeting? 12 A. Yes. 13 Q. Once you received the performance 14 improvement plan, was it hard to go back to work 15 with your subordinates? 16 A. Well, no, my staff was, like, really, 17 you know, they were flipped out because they were 18 totally afraid that they were going to be loosing 19 their job, I mean, I came in -- well, I went to 20 Culver City first I looked down and my legs was 21 just bleeding. I mean completely and totally, I 22 mean, just streaming blood down, and so that's 23 when I went, you know, I just didn't go to -- I 24 went to the nearest hospital I could find, which 25 was Olympia on -- Olympia is on Olympic Boulevard</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505 (800) 610-0505 Fax (916) 448.8726</p>	<p>Marc Jackson January 30, 2008 Page 153</p> <p>1 marked as Exhibit 35. But on the front says it's 2 February 23rd, 2007. It says "written-verbal 3 warning," but on the back it has signatures of 4 June 1st, 2007? 5 A. Okay, this is when -- okay, yeah -- this 6 is when I came back, okay? Because they were 7 planning on giving me this, the day after I came 8 back, okay? And I was sick. I was in the 9 emergency room at Olympia. So Dr. Peckaral put 10 me on three month's leave of absence. 11 (Exhibit No. 35 marked for identification.) 12 BY MS. TELFER: 13 Q. And when you say "I didn't get this 14 because they were going to give it to me the next 15 day," you mean the written-verbal warning? 16 A. Right. 17 Q. Had you ever had a written-verbal 18 warning before? 19 A. No. 20 Q. Had you ever been on an improvement plan 21 with the American Red Cross before? 22 A. No. 23 Q. After receiving the performance 24 improvement plan and this written-verbal warning, 25 did you have some concern that your days were</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505 (800) 610-0505 Fax (916) 448.8726</p>

<p>Marc Jackson January 30, 2008 Page 154</p> <p>1 numbered?</p> <p>2 A. Absolutely. I mean if somebody is going</p> <p>3 to file an anonymous complaint against you, and</p> <p>4 you don't have a right to know who that person</p> <p>5 is. I mean -- I mean it was like -- It was</p> <p>6 bizarre. It was absolutely bizarre?</p> <p>7 Q. And is it your understanding they put</p> <p>8 Exhibit 35 in your personnel file as well?</p> <p>9 A. Yes. And what happened is after -- what</p> <p>10 happened with the meeting, with -- I was sitting</p> <p>11 there in that meeting, and I was getting sick. I</p> <p>12 could feel my legs tingling and I go "Oh my</p> <p>13 God." Either my legs are going to start bleeding</p> <p>14 or my joints are going to freeze, and so I go, I</p> <p>15 just hope to God my joints don't freeze because,</p> <p>16 you know, that would great, to be carried out of</p> <p>17 this office, so I just went back to the office,</p> <p>18 and my staff is in the office, and that's when I</p> <p>19 called counsel. I go, what do I do here? I was,</p> <p>20 you know, I was blown out. I was blown away. I</p> <p>21 didn't know what to do, and if I talk loud it</p> <p>22 wasn't meaning to make a scene. It was just</p> <p>23 that, you know, I mean seriously I cannot -- and</p> <p>24 I went through a test -- I forgot the guy's</p> <p>25 name. He's the head of audiology at Cedars to --</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505 (800) 610-0505 Fax (916) 448.8726</p>	<p>Marc Jackson January 30, 2008 Page 156</p> <p>1 marked as Exhibit 36 and ask you if you saw this</p> <p>2 note from Dr. Peckaral, taking you out on a</p> <p>3 medical leave from March 1st of '07 to June 1st,</p> <p>4 '07?</p> <p>5 A. Correct.</p> <p>6 (Exhibit No. 36 marked for identification.)</p> <p>7 BY MS. TELFER:</p> <p>8 Q. And then prior to that time he was in</p> <p>9 South American, so you were off on disability?</p> <p>10 A. Correct. Yeah, and Olympia sent them.</p> <p>11 Two doctors at Olympia sent them. I had to go</p> <p>12 back twice.</p> <p>13 Q. So after getting this improvement plan,</p> <p>14 this written-verbal warning, then being denied an</p> <p>15 accommodation, did you feel as though you had no</p> <p>16 other choice to keep your job, other than filing</p> <p>17 a charge of discrimination?</p> <p>18 A. Absolutely, I was told that. When the</p> <p>19 HR director told you that, you know, what do you</p> <p>20 do?</p> <p>21 Q. I'm going to show you a document I'm</p> <p>22 marking as Exhibit 37. It appears to be a</p> <p>23 Department of Fair Housing and Employment charge</p> <p>24 that has a date at the bottom of March 6th,</p> <p>25 2007.</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505 (800) 610-0505 Fax (916) 448.8726</p>
<p>Marc Jackson January 30, 2008 Page 155</p> <p>1 I can't judge the volume at which I'm speaking,</p> <p>2 and then again when they came back on the first,</p> <p>3 I asked again. Can I be accommodated and Bob</p> <p>4 Browning specifically denied accommodation again,</p> <p>5 specifically denied it.</p> <p>6 Q. Okay so on June 1st, 2007, you requested</p> <p>7 accommodation. It was denied?</p> <p>8 A. Correct.</p> <p>9 Q. Did Steve Brown explain why?</p> <p>10 A. Steve Brown had no part of it. It was</p> <p>11 Bob Browning.</p> <p>12 Q. Did Bob Browning explain why he was</p> <p>13 denying your request?</p> <p>14 A. He said that the staff needed total</p> <p>15 supervision, that, you know, they need total and</p> <p>16 complete supervision and that somebody had to be</p> <p>17 there to catch them at all times.</p> <p>18 Q. And if you had been able to hire a</p> <p>19 communications manager, that person could have</p> <p>20 done the supervising in that regard; correct?</p> <p>21 A. Correct.</p> <p>22 Q. And in the past Julie Jewelison had done</p> <p>23 that as part of your job?</p> <p>24 A. Correct.</p> <p>25 Q. I'm going to show you a document I've</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505 (800) 610-0505 Fax (916) 448.8726</p>	<p>Marc Jackson January 30, 2008 Page 157</p> <p>1 (Exhibit No. 37 marked for identification.)</p> <p>2 BY MS. TELFER:</p> <p>3 Q. Mr. Jackson, is that your signature on</p> <p>4 the bottom of the page?</p> <p>5 A. Yes, it is.</p> <p>6 Q. And did you file this charge pursuant to</p> <p>7 what Mr. Browning told you?</p> <p>8 A. Yes.</p> <p>9 MS. SHADI: Can we take a break?</p> <p>10 MS. TELFER: Sure.</p> <p>11 (Brief recess.)</p> <p>12 BY MS. TELFER:</p> <p>13 Q. Mr. Jackson, I'm going to show you a</p> <p>14 document that I've marked as Exhibit 38. It's a</p> <p>15 one-page document, dated May 24th, 2007, appears</p> <p>16 to be from Dr. Peckaral, regarding your condition</p> <p>17 and a request for accommodation that you work</p> <p>18 partially from home?</p> <p>19 (Exhibit No. 38 marked for identification.)</p> <p>20 Q. Have you ever seen this document before?</p> <p>21 A. Uh-huh.</p> <p>22 Q. Is that a yes?</p> <p>23 A. Yes.</p> <p>24 Q. Did you provide this letter to Steve</p> <p>25 Brown or did you think Dr. Peckaral wrote this?</p> <p>Esquire Deposition Services 520 Capitol Mall Ste. 250 Sacramento, C.A. 95814 Phone (916) 448-0505 (800) 610-0505 Fax (916) 448.8726</p>

EXHIBIT 5

American Red Cross

Requisition for Personnel

DEPARTMENT: <u>Public Affairs</u>	LOCATION: <u>Pomona</u>	COST CENTER: <u>80400</u>	
JOB TITLE: <u>Communications Manager</u>	POSITION CONTROL#: <u>W582</u>	FULL TIME <input checked="" type="checkbox"/> PART TIME <input type="checkbox"/> PER DIEM <input type="checkbox"/>	TEMPORARY <input type="checkbox"/>
Hours to be worked: <u>8:30 A-5P</u>		Days to be worked: <u>M-F</u>	
Replacement <input checked="" type="checkbox"/> Not: <u>Julie Julusson</u>		START DATE: _____ END DATE: _____	
New Position <input type="checkbox"/> Reason for: _____		IS THIS POSITION PROVIDED FOR ON THE CURRENT APPROVED POSITION CONTROL LIST? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
If answer is 'No', please attach justification			
INTERVIEWING SUPERVISOR: <u>Marc Jackson</u>		PHONE NO.: <u>909 859 7362</u>	
SPECIFIC DUTIES: <u>See attached, as well as oversee celebrity outreach, gay outreach, focus group projects.</u>			
SPECIAL QUALIFICATIONS: <u>See attached</u>			
REMARKS: <u>Community contacts, team builder</u>			
Requested by: <u>Marc Jackson</u>		Date: <u>6 Feb 06</u>	
Approved by Dept. Dir.: <u>[Signature] (Marc Jackson)</u>		Date: <u>6 Feb 06</u>	
Approved by Human Resources: _____		Date: _____	
Approved by DVP/CEO: <u>[Signature]</u>		Date: <u>020706</u>	
Approved by DVP/CEO: (Any New Position) _____		Date: _____	
FOR HUMAN RESOURCES USE ONLY			
EMPLOYMENT COORDINATOR: _____		DATE RECEIVED IN HUMAN RESOURCES: _____	
POSITION FILLED BY: _____		START DATE: _____ SALARY: _____	
INSTRUCTIONS: Forward original copy to Human Resources			

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